

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:15-CV-627-BO

FREDERICK L. ALLEN and NAUTILUS )  
PRODUCTIONS, LLC, )

Plaintiffs, )

v. )

ROY A. COOPER, III, as Governor of )  
North Carolina, *et al.*, )

Defendants. )


ORDER

This cause comes before the Court following remand by the court of appeals. By opinion entered July 10, 2018, the court of appeals reversed each of this Court's rulings on immunity and remanded with instructions to dismiss without prejudice Allen and Nautilus's claims against North Carolina, the Department of Natural and Cultural Resources, and the public officials acting in their official capacity and to dismiss with prejudice the remaining claims against the officials in their individual capacities. [DE 86]. Mandate issued on August 17, 2018. [DE 91].

As the mandate of the court of appeals has issued, the stay previously entered in this matter [DE 84] is hereby LIFTED. Pursuant to the mandate of the court of appeals, Allen and Nautilus's claims against North Carolina, the Department of Natural and Cultural Resources, and the public officials acting in their official capacity are DISMISSED without prejudice. The remaining claims against the public officials in their individual capacities are DISMISSED with prejudice.

The joint report of the remaining parties shall be filed not later than September 14, 2018. See [DE 84].

SO ORDERED, this 24<sup>th</sup> day of August, 2018.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE